

## Message Text

CONFIDENTIAL

PAGE 01 DACCA 04896 091009Z  
ACTION NEA-10

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INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15  
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FM AMEMBASSY DACCA  
TO SECSTATE WASHDC 384

C O N F I D E N T I A L DACCA 4896

E.O. 11652: GDS  
TAGS: SHUM PINT BG  
SUBJECT: HUMAN RIGHTS AND LEGAL REFORM

REFS: A. STATE 182961, B. DACCA 4499

1. I PAID A COURTESY CALL ON HOME MINISTER MUSTAFIZUR RAHMAN ON AUGUST 8 ACCOMPANIED BY ADCM BAXTER. THE MINISTER OPENED THE CONVERSATION WITH AN EXPOSITION OF THE FUNCTIONING OF THE BANGLADESH COURT SYSTEM. THIS GAVE ME AN OPPORTUNITY TO EXPLAIN U.S. VIEWS ON HUMAN RIGHTS AND INQUIRE REGARDING AMNESTY INTERNATIONALS CLAIM THAT THERE WERE 10-15,000 POLITICAL PRISONERS IN BANGLADESH. ALMOST THE ENTIRE ENSUING CONVERSATION COVERED HUMAN RIGHTS AND THE MINISTER'S SUGGESTIONS FOR REFORM OF THE BANGLADESH LEGAL SYSTEM.

2. MUSTAFIZUR EXPLAINED THAT THE MARTIAL LAW COURTS WERE CREATED TO PROVIDE SPEEDY JUSTICE UNDER STREAMLINED RULES. THE MARTIAL LAW COURTS INCLUDED A CIVILIAN MEMBER FROM THE JUDICIARY AS WELL AS MILITARY MEMBERS AND THAT ALL CONVICTIONS WERE SUBJECT TO REVIEW BY THE CHIEF MARTIAL LAW ADMINISTRATOR WHO TAKES THE ADVICE OF OFFICERS OF THE JUDGE ADVOCATE GENERAL'S CORPS BEFORE APPROVING OR DISAPPROVING A SENTENCE. BUT CHIEF AMONG THE DIFFERENCES  
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PAGE 02 DACCA 04896 091009Z

WITH THE CIVIL COURTS WAS THE POWER OF THE MARTIAL LAW COURT TO TRY CASES BEFORE ALL THOSE CHARGES HAVE BEEN APPREHENDED AND TO TRY THOSE NOT ARRESTED IN ABSENTIA. MUCH OF THE DELAY IN THE CIVIL COURT SYSTEM, HE SAID, RESULTED FROM THE LONG STANDING LAW WHICH PROHIBITED TRIAL IN ABSENTIA AND THUS DELAYED TRIAL UNTIL ALL THOSE CHARGED IN A CASE WERE APPREHENDED. IN THE MEANWHILE, THOSE WHO

HAD BEEN ARRESTED WERE HELD IN JAIL AS "UNDER TRIAL"  
PRISONERS. HE SAID "THIS IS WHAT CROWDS THE JAILS I AM  
RESPONSIBLE FOR."

3. I TOLD THE MINISTER OF AMNESTY INTERNATIONAL'S COMMENTS  
IN A LETTER TO CONGRESSMAN ZABLOCK REGARDING DEPARTMENT'S  
HUMAN RIGHTS PAPER ON BANGLADESH. DURING THE COURSE OF  
EXTENDED REMARKS, STRONGLY DIFFERING FROM AMNESTY  
INTERNATIONAL'S ESTIMATE OF 10-15,000 POLITICAL PRISONERS,  
THE HOME MINISTER SPOKE PARTICULARLY REGARDING PERSONS  
CHARGED BEFORE MARTIAL LAW COURTS. HE SAID EXCEPT FOR  
THOSE CHARGED FOR MURDER, MOST OF THOSE CHARGED WERE  
BEING RELEASED ON BAIL; HE HIMSELF WAS URGING THE COURTS  
TO FOLLOW THIS COURSE. FURTHER, HE SAID THAT THE AVERAGE  
TIME BETWEEN ARRESTS AND TRIAL HAS BEEN ONLY TWO MONTHS.  
INDEED, HE HAD ALREADY SAID THAT THE PRINCIPAL REASON  
FOR MARTIAL LAW COURTS WAS TO SPEED THE COURSE OF JUSTICE.  
FINALLY RAHMAN SAID THAT FOLLOWING THE PARLIAMENTARY  
ELECTIONS WHEN MARITAL LAW IS ENDED, THE MARTIAL LAW  
COURTS WILL GO OUT OF EXISTENCE, LEAVING ONLY THE CIVIL  
COURTS.

4. RAHMAN ALSO SAID THAT THE NUMBER OF POLITICAL DETAINEES  
HAS BEEN GREATLY REDUCED (AS WE HAVE REPORTED TO THE  
DEPARTMENT) AND FURTHER REDUCTIONS MAY FOLLOW.

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PAGE 03     DACCA 04896 091009Z

5. COMMENT: I WAS QUITE DIRECT IN PUTTING OUR GENERAL  
VIEWS AND AMNESTY INTERNATIONAL'S POSITION TO RAHMAN AND  
HE WAS EQUALLY DIRECT IN THIS REPLIES. I BELIEVE THE  
MEETING SERVED TO REMIND HIM OF CONTINUING U.S. INTEREST  
IN THIS SUBJECT AND ALSO TO MAINTAIN THE EXCELLENT CHANNEL  
OPENED BY ADCM BAXTER FOR DISCUSSION WITH HIM OF HUMAN  
RIGHTS QUESTIONS. IT IS IMPORTANT, HOWEVER, THAT THE  
CONFIDENTIALITY OF OUR CONVERSATIONS WITH HIM BE  
MAINTAINED.  
SCHNEIDER

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## Message Attributes

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